

107TH CONGRESS
1ST SESSION

H. R. 356

To amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. JONES of North Carolina (for himself, Mr. DUNCAN, and Mr. HANSEN) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Uniformed Services
5 Tax Equity Act”.

1 **SEC. 2. UNIFORMED SERVICE MEMBER TREATED AS USING**
2 **PRINCIPAL RESIDENCE WHILE AWAY FROM**
3 **HOME ON QUALIFIED OFFICIAL EXTENDED**
4 **DUTY IN DETERMINING EXCLUSION OF GAIN**
5 **ON SALE OF SUCH RESIDENCE.**

6 (a) IN GENERAL.—Section 121(d) of the Internal
7 Revenue Code of 1986 (relating to special rules) is amend-
8 ed by adding at the end the following:

9 “(9) DETERMINATION OF USE DURING PERIODS
10 OF QUALIFIED OFFICIAL EXTENDED DUTY WITH
11 UNIFORMED SERVICES.—

12 “(A) IN GENERAL.—A taxpayer shall be
13 treated as using property as a principal resi-
14 dence during any period—

15 “(i) the taxpayer owns such property,
16 and

17 “(ii) the taxpayer (or the taxpayer’s
18 spouse) is serving on qualified official ex-
19 tended duty as a member of a uniformed
20 service (within the meaning of section
21 101(3) of title 37, United States Code),

22 but only if the taxpayer owned and used the
23 property as a principal residence for any period
24 before the period of qualified official extended
25 duty.

1 “(B) QUALIFIED OFFICIAL EXTENDED
2 DUTY.—For purposes of this paragraph—

3 “(i) IN GENERAL.—The term ‘quali-
4 fied official extended duty’ means any pe-
5 riod of extended duty during which the
6 member of a uniformed service is under a
7 call or order compelling such duty at a
8 duty station which is at least 50 miles
9 from the property described in subpara-
10 graph (A) or compelling residence in Gov-
11 ernment furnished quarters while on such
12 duty.

13 “(ii) EXTENDED DUTY.—The term
14 ‘extended duty’ means any period of active
15 duty pursuant to a call or order to such
16 duty for a period in excess of 90 days or
17 for an indefinite period.”

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to sales or exchanges after May
20 6, 1997.

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